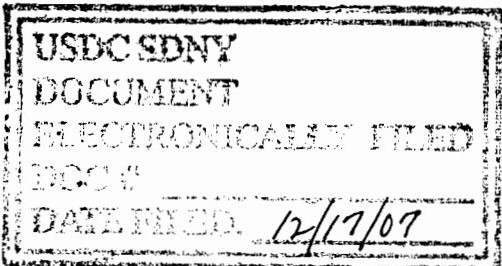


**Thacher
Proffitt**

MEMO ENDORSED

Thacher Proffitt & Wood LLP
Two World Financial Center
New York, NY 10281
212.912.7400

Fax: 212.912.7751
www.tpw.com



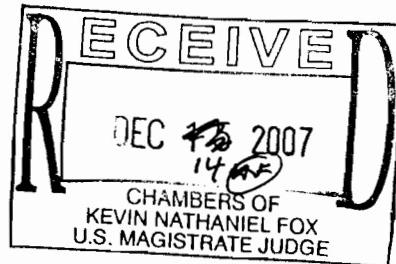
Direct Dial: 212.912.7417
jdoherty@tpw.com
Admitted in NY

December 14, 2007

VIA FACSIMILE

Hon. Kevin Nathaniel Fox
U.S. Magistrate Judge
United States District Court
Southern District of New York
40 Centre Street, Room 540
New York, NY 10007

Mediation: *DB Structured Products, Inc. v Lender Ltd.*
Case Number: 07 CV 4119 (DLC) (KNF)



Dear Judge Fox,

We represent Plaintiff DB Structured Products, Inc. in the above-referenced matter. We write to propose a new date for the settlement conference previously scheduled for December 11, 2007, as required by Your Honor's endorsement granting the request for an adjournment by the parties to this matter. We have communicated with counsel for Defendant Lender Ltd. and Third-Party Defendant CML Direct, Inc., and after speaking with Your Honor's Clerk yesterday, we propose the afternoon of January 29, 2008 as the date for the rescheduled settlement conference.

Please contact me if you have any questions.

12/17/07

*A Settlement conference
shall be held for the parties on
January 29, 2008, at 2:30 p.m.
SO ORDERED:
Kevin Nathaniel Fox
KEVIN NATHANIEL FOX, U.S.M.J.*

Respectfully submitted,

John P. Doherty, Esq.

Hon. Kevin Nathaniel Fox
December 14, 2007

Page 2

cc (via facsimile):

Mark S. Kaufman, Esq.
Kaufman & Kahn, LLP
Attorneys for Defendant Lender Ltd.
747 Third Avenue, 32nd Floor
New York, New York 10017
Phone: (212) 293-5556
Fax: (212) 355-5009

Dennis M. Rothman, Esq.
Lester Schwab Katz & Dwyer, LLP
Attorneys for Third-Party Defendant CML Direct, Inc.
120 Broadway
New York, NY 10271
Phone: (212) 964-6611
Fax: (212) 267-5916